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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

STEFANIE PAONESSA, an individual;
AMERICO PAONESSA, an individual,

Plaintiffs,

v.

SIERRA HEALTH AND LIFE INSURANCE
COMPANY, INC., a Nevada corporation;
INNOVATIONS LV, LLC, a Nevada Limited
Liability Company; and DOES and ROES 1
through 10, inclusive,

Defendants.

CASE NO.: 2:22-cv-2074-GMN-NJK

**STIPULATION AND PROPOSED
ORDER TO REMAND**

INNOVATIONS LV, LLC, a Nevada Limited
Liability Company,

Crossclaimant,

v.

SIERRA HEALTH AND LIFE INSURANCE
COMPANY, INC., a Nevada corporation; and
DOES I through X, and ROE Business
Entities I through X, inclusive,

Counterdefendants.

Plaintiffs Stefanie Paonessa and Americo Paonessa ("Plaintiffs"), Defendant/Cross-
claimant Innovations LV, LLC ("Innovations") (collectively, the "Parties"), by and through their
undersigned counsel, hereby stipulate and agree to remand of this action to the Eighth Judicial
District Court, Clark County, Nevada.

1 1. Plaintiffs commenced this action in the Eighth Judicial District Court, and filed an
2 Amended Complaint on September 30, 2022, asserting claims against Innovations and Sierra
3 Health. (ECF No. 1-1 at pp 18-25.)

4 2. On October 27, 2022, Defendant/Cross-Claimant Innovations filed its Answer to
5 Complaint and Crossclaim, asserting crossclaims against Sierra Health AND Life Insurance
6 Company, Inc. ("Sierra Health"). (ECF No. 1-1 at pp. 1-17)

7 3. On November 3, 2022, Sierra Health was served with the Crossclaim via the Nevada
8 Division of Insurance. (*Id.*)

9 4. On November 15, 2022, Sierra Health was then served with the initial pleading,
10 Plaintiffs' Amended Complaint, via the Nevada Division. (ECF No. 1-1 at pp 18-25.)

11 5. On December 15, 2022, Sierra Health timely removed this action to federal court
12 based on complete preemption by the Employment Retirement Income Security Act of 1944
13 ("ERISA"), 29 U.S.C. § 1332(a). (ECF No. 1.)

14 6. On January 12, 2023, the Court entered an Order to Extend the Deadline for the
15 Parties to File the Joint Proposed Discovery Plan (ECF No. 15), an Order to Extend the Deadline
16 for Sierra health to Respond to the Amended Complaint and Cross claim (ECF No. 16), and an
17 Order to Extend the Deadline for the Parties to File the Joint Status Report (ECF No. 17), which
18 extended all said deadlines to February 28, 2023.

19 7. The Parties engaged in discussions regarding the resolution of certain issues and
20 claims between and among them, and narrowed the issues in dispute.

21 8. Thereafter, on February 27, 2023, the Parties and Sierra Health filed a stipulation
22 and order dismissing Sierra Health, and all claims and crossclaims asserted against it, with
23 prejudice, which was granted on March 2, 2023.

24 9. As a result of the dismissal of Sierra Health and dismissal of all claims and
25 crossclaims asserted against it in the above-captioned matter, only state law claims remain, no
26 federal question is implicated, and there is no diversity.

27 10. As such, there is no federal jurisdiction.
28

11. Plaintiffs and Innovations hereby stipulate and agree to remand this action to the Eighth Judicial District Court.

This stipulation is made in good faith, and not intended to cause delay, and not filed for an improper purpose.

DATED this 2 day of March, 2023.

ACCELERATED LAW GROUP

T. JAMES TRUMAN & ASSOCIATES

By: /s/ Joseph T. Nold
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Attorneys for Plaintiffs Stefanie Paonessa and Americo Paonessa *Attorneys for Innovations LV, LLC*

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, based on the Parties' stipulation above and the stipulated dismissal with prejudice of the claims and crossclaims asserted against Sierra Health and Life Insurance, Inc., there is no federal jurisdiction and, as such, the case shall be and hereby is remanded to the Eighth Judicial District Court.

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE

DATED: March 2, 2023
CASE NO. 2:22-cv-2074-GMN-NJK

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of the Accelerated Law Group, and that on this 2nd day of March, 2023, I caused to be served via the Court's e-filing/e-service system true and correct copies of the above and foregoing **STIPULATION AND PROPOSED ORDER TO REMAND** to all parties registered for electronic service.

/s/ Janet Terrazas
An employee of the Accelerated Law Group